

Customs Bulletin

Regulations, Rulings, Decisions, and Notices
concerning Customs and related matters



and Decisions of the United States Court of Appeals for the Federal Circuit and the United States Court of International Trade

Vol. 18

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No. 1

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U.S. Customs Service

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THE DEPARTMENT OF THE TREASURY
U.S. Customs Service

NOTICE

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U.S. Customs Service

Treasury Decisions

(T.D. 84-1)

Synopses of Drawback Decisions

The following are synopses of drawback rates issued May 10, 1983, to June 10, 1983, inclusive, pursuant to sections 22.1 through 22.5, inclusive, Customs Regulations; and an approval under section 22.6, Customs Regulations.

In the synopses below are listed for each drawback rate approved under 19 U.S.C. 1313(b), the name of the company, the specified articles on which drawback is authorized, the merchandise which will be used to manufacture or produce these articles, the factories where the work will be accomplished, the date the statement was signed, the basis for determining payment, the Regional Commissioner to whom the rate was forwarded, and the date on which it was forwarded.

Dated: December 19, 1983

File: 216417

EDWARD B. GABLE, Jr.,

Director,

Carriers, Drawback and Bonds Division.

(A) Company: American Cyanamid Company

Articles: Pesticides

Merchandise: P-Hydroxyphenyl Isobutyric acid (PHPIA)

Factory: Linden, NJ

Statement signed: May 11, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: New York,
June 8, 1983

(B) Company: The American Welding & Manufacturing Company

Articles: Titanium alloy rough forgings

Merchandise: Titanium alloy billets

Factory: Warren, OH

Statement signed: November 2, 1982

Basis of claim: Used in, less valuable waste

Rate forwarded to Regional Commissioner of Customs: New York,
May 10, 1983

(C) Company: Amity Leather Products Company

Articles: Leather goods

Merchandise: Leather in original tannery shape

Factories: West Bend, WI; Albuquerque, NM; San Juan, PR

Statement signed: November 30, 1982

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: Chicago,
May 26, 1983

(D) Company: A-X Heat Transfer, Inc.

Articles: Fully machined and tested (sometimes assembled in
stacks) 240 LB. grey iron sections for cooling and condensing
process fluids

Merchandise: 240 Lb. grey iron casting section pattern No. HR-4

Factory: New Castle, PA

Statement signed: February 24, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioners of Customs: New York,
Houston, and Boston (Baltimore Liquidation), May 13, 1983

(E) Company: BP North America Trading, Inc.

Articles: Intermediate grade fuels

Merchandise: Residual fuel oil, Class I and distillate fuel oil Class
II

Factories: Gretna, LA; San Pedro, CA; Port Newark, NJ; Deer
Park, TX; Chesapeake, VA; Philadelphia, PA

Statement signed: March 8, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: Houston,
June 7, 1983

(F) Company: Citrus World Incorporated

Articles: Orange juice from concentrate, frozen concentrated
orange juice, and bulk concentrated orange juice

Merchandise: Concentrated orange juice for manufacturing

Factory: Lake Wales, FL

Statement signed: December 23, 1982

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: Miami,
June 2, 1983

Revokes: T.D. 79-78-C and T.D. 80-243-E

(G) Company: Farmers Union Grain Terminal Association

Articles: Cleaned and graded malting barley and cleaned barley
malt

Merchandise: Raw malting barley and cleaned and graded malting barley

Factories: Chicago, IL; Milwaukee, and Superior, WI; Winona and Minneapolis, MN; Wahpeton, ND

Statement signed: December 30, 1982

Basis of claim: Used in, less valuable waste

Rate forwarded to Regional Commissioner of Customs: Chicago, May 26, 1983

(H) Company: Hercules Inc.

Articles: Rosin sizes and synthetic resins

Merchandise: Fumaric acid (Butendioic acid)

Factories: Brunswick & Savannah, GA; Kalamazoo, MI; Milwaukee, WI; Portland, OR; Hattiesburg, MS; Franklin, VA

Statement signed: February 3, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: Boston (Baltimore Liquidation), June 2, 1983

Revokes: T.D.'s 55272-B, 56286-O, 68-68-G, 71-74-T, 72-121-U and 72-186-P

(I) Company: Hi-Lex Corporation

Articles: Control cables and box type control cable assemblies

Merchandise: Steel wire rod; stranded steel wire; plastic compounds; solder; various parts and components of control cables and box type control cable assemblies

Factory: Battle Creek, MI

Statement signed: November 10, 1981

Basis of claim: Appearing in

Rate forwarded to Regional Commissioner of Customs: Chicago, May 26, 1983

(J) Company: H. J. Baker & Bro., Inc.

Articles: Bright yellow sulphur (prilled)

Merchandise: Dry sulphur

Factories: Stockton, and Mojave, CA

Statement signed: March 23, 1983

Basis of claim: Appearing in

Rate forwarded to Regional Commissioner of Customs: New York, May 12, 1983

(K) Company: Juice Bowl Products, Inc.

Articles: Concentrated orange juice

Merchandise: Concentrated orange juice for manufacturing

Factory: Lakeland, FL

Statement signed: December 1, 1982

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: Miami, May 13, 1983

(L) Company: Kenrich Petrochemicals, Inc.

Articles: Kenflex resins, Ken-React Organotitanates, and Ken-Zinc

Merchandise: Tetra isopropyl titanate, petroleum hydrocarbons, phosphorus, pentoxide and zinc oxide

Factory: Bayonne, NJ

Statement signed: October 26, 1982

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: New York, May 11, 1983.

(M) Company: Mobay Chemical Corporation

Articles: Vulkanox

Merchandise: 4-Amino Diphenylamine

Factory: Goose Creek, SC

Statement signed: February 17, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: New York, May 26, 1983

(N) Company: Mobil Chemical Co., Chemical Coatings Div.

Articles: Lubricant ester 103/MCP121

Merchandise: Adipic acid

Factory: Edison, NJ

Statement signed: March 1, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: New York, June 3, 1983.

(O) Company: Monsanto Company

Articles: Santocure

Merchandise: Cyclohexylamine

Factory: Nitro, WV

Statement signed: May 6, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioners of Customs: New York and Chicago, June 3, 1983

(P) Company: Mostek Corporation

Articles: Finished semiconductor devices

Merchandise: Unfinished semiconductor assemblies

Factories: Carrollton, TX; Colorado Springs, CO

Statement signed: February 7, 1983

Basis of claim: Appearing in

Rate forwarded to Regional Commissioner of Customs: Los Angeles (San Francisco Liquidation), May 26, 1983

Revokes: T.D. 81-53-R

(Q) Company: Ontario Corp.

Articles: Titanium alloy rough forgings

Merchandise: Titanium alloy bar

Factory: Muncie, IN

Statement signed: February 8, 1983

Basis of claim: Used in, less valuable waste

Rate forwarded to Regional Commissioner of Customs: New York,
June 1, 1983.

(R) Company: Shell Oil Company (Shell Chemical Company Division)

Articles: Ethylene oxide; ethylene glycols; ethylene glycol ethers; alpha-olefins; internal olefins; detergent alcohols; detergent alcohol ethoxylates

Merchandise: Ethylene

Factory: Geismar, LA

Statement signed: January 31, 1983

Basis of claim: Used in, less valuable waste, with distribution to the products obtained in accordance with their relative values at the time of separation (per actual production figures)

Rate forwarded to Regional Commissioner of Customs: Houston,
May 17, 1983

(S) Company: Special Metals Corporation

Articles: Superalloys in electrode, ingot, billet, and bar form

Merchandise: Aluminothemic chromium metal, titanium sponge, electrolytic nickel, chromium electrolytic briquettes, electrolytic manganese, and ferrochromium

Factories: New Hartford, and Dunkirk, NY

Statement signed: March 25, 1982

Basis of claim: Appearing in

Rate forwarded to Regional Commissioner of Customs: New York,
May 26, 1983

(T) Company: Syntex Argibusiness, Inc.

Articles: 2-Bromo-6-methoxynaphthalene (BMM)

Merchandise: Beta-naphthol (2-naphthol)

Factory: Springfield, MO

Statement signed: May 17, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioners of Customs: Miami and
Los Angeles, June 10, 1983

(U) Company: Velsicol Chemical Corporation

Articles: Buthidazole (Vel-5026)

Merchandise: Thiosemicarbazide

Factory: Beaumont, TX

Statement signed: March 24, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: Houston,
June 3, 1983

(V) Company: Velsicol Chemical Corporation

Articles: Technical Kayazinon (Diazion)

Merchandise: 2-isopropyl-4-methyl-6-hydroxy pyrimidine

Factory: Pasadena, TX

Statement signed: March 17, 1983

Basis of claim: Used in

Rate Forwarded to Regional Commissioner of Customs: Houston,
May 26, 1983

(W) Company: Viking Metallurgical Corporation

Articles: Titanium alloy rough forgings

Merchandise: Titanium alloy ingots

Factory: Verdi, NV

Statement signed: December 8, 1982

Basis of claim: Used in, less valuable waste

Rate forwarded to Regional Commissioners of Customs: New York
and Los Angeles (San Francisco Liquidation), May 10, 1983

(X) Company: Warner-Lambert Co., Parke-Davis Div.

Articles: 2,6-Dichloro-3-methylaniline purified; Gemfibrozil; Isoxicam; Isoxicam Step 1; Sodium Meclofenamate Monohydrate; Meclofenamic Acid

Merchandise: 2,4-Dichloro-meta-toluidine; 2,6-Dichloro-3 Methylaniline purified; 2,5 xylene; Isobutyric acid; Dimethylformamide technical; Sodium saccharine; 3-amino-5-methylisoxazole (Isoxamine)

Factory: Holland, MI

Statement signed: February 15, 1983

Basis of claim: Used in

Rate Forwarded to Regional Commissioner of Customs: New York,
May 26, 1983

(Y) Company: Warner-Lambert Co., Parke-Davis Div.

Articles: Camoquin free base; Camoquin HCL; Palmitoyl Chloride; o-Chlorophenyl 1-Hydroxycyclopentyl N-methyl Ketimine; mefenamic acid

Merchandise: 4,7 dichloroquinoline; Palmitic acid; cyclopentyl chloride; 2,3 dimethylaniline

Factory: Holland, MI

Statement signed: February 15, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: New York,
May 26, 1983

(Z) Company: Wyman-Gordon Co.

Articles: Titanium alloy billets

Merchandise: Titanium alloy ingots

Factories: Worcester, Millbury, and North Grafton, MA

Statement signed: May 9, 1983

Basis of claim: Used in, less valuable waste
Rate forwarded to Regional Commissioner of Customs: New York,
May 19, 1983

Approval under section 22.6, Customs Regulations

(1) Company: Marathon Petroleum Company

Articles: Petroleum products

Merchandise: Crude petroleum and petroleum derivatives

Factories: Detroit, MI; Garyville, LA; Robinson, IL; and Texas City,
TX

Statement signed: March 29, 1983

Basis of claim: as provided in the drawback rate contained in
22.6(g-1) of the Customs Regulations

Rate forwarded to Regional Commissioner of Customs: Houston,
May 19, 1983

(T.D 84-2)

Synopses of Drawback Decisions

The following are synopses of drawback rates issued June 10, 1983, to July 11, 1983, inclusive, pursuant to sections 22.1 through 22.5, inclusive, Customs Regulations.

In the synopses below are listed for each drawback rate approved under 19 U.S.C. 1313(b), the name of the company, the specified articles on which drawback is authorized, the merchandise which will be used to manufacture or produce these articles, the factories where the work will be accomplished, the date the statement was signed, the basis for determining payment, the Regional Commissioner to whom the rate was forwarded, and the date in which it was forwarded.

DRA-1-09

Dated: December 19, 1983

File: 216421

EDWARD B. GABLE, Jr.,

Director,

Carriers, Drawback and Bonds Division.

(A) Company: Brooks and Perkins, Inc.

Articles: Synthetic rubber storage systems for equipment, machinery, vehicles, etc.

Merchandise: Butylsheet (synthetic rubber)

Factory: Livonia, MI

Statement signed: October 21, 1982

Basis of claim: Appearing in

Rate forwarded to Regional Commissioner of Customs: New York,
June 10, 1983

(B) Company: Cyanimid Agriculatural de Puerto Rico, Inc.

Articles: Various veterinary pharmaceuticals (e.g., Levamisole)

Merchandise: Styrene oxide

Factory: Manati, PR

Statement signed: May 2, 1983

Basis of claim: Used in for Levamisole; appearing in for other products

Rate forwarded to Regional Commissioner of Customs: New York, June 22, 1983

(C) Company: Eli Lilly and Company

Articles: Cephalothin Sodium (Keflin), Cephaloridine (Loridine), Cefazolin Sodium (Kefzol), Cephaloglycine Hydrate (Kafocin), and Cefamandole Nafate (Mandol)

Merchandise: Methionine Feed Grade, Phosphorus Pentachloride, Oxalic Acid Technical, Triethylamine, D-Mandelic Acid, Thionyl Chloride, Quinoline, Hexane, Acetylchloride, Ferrous Sulfate Gran, Yellow Cream Meal, 5-Methyl-1,3,4-Thiadiazole-2-Thiol, Dimethylformamide, Hydrazine, Hydrate Monohydrate, O-Formyl-Mandoyl-Chloride, Tetrazole Thiol, Tetrazole Acetic Acid, Methyl Alcohol, and Isopropyl Alcohol

Factories: Clinton, Greenfield, Lafayette, and Indianapolis, IN

Statement signed: March 30, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: Chicago, July 11, 1983

Revokes: T.D 81-91-I

(D) Company: Eli Lilly and Company

Articles: Tricyclazole (Beam or Bim) in intermediate, bulk, and finished product formulations

Merchandise: 2-Amino-4-methyl benzothiazole; 2-amino-4-methyl benzothiazole hydrochloride; formic acid; 4-methyl-2-hydrazino benzothiazole; hydrazine hydrate monohydrate; tricyclazole technical

Factory: Lafayette, IN

Statement signed: March 14, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: Chicago, June 29, 1983

Revokes: T.D. 82-225-Q

(E) Company: Essef Industries, Inc., Structural Fibers Div.

Articles: Fiberglass pressure vessels

Merchandise: Fiberglass roving

Factory: Chardon, OH

Statement signed: February 22, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: Chicago, July 5, 1983

(F) Company: Griffin Corporation

Articles: Manex (flowable maneb fungicide)

Merchandise: Maneb technical

Factory: Valdosta, GA

Statement signed: March 28, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: Miami, July 11, 1983

(G) Company: Hexcel Corporation

Articles: High modulus graphite (HMG) impregnated woven fabric

Merchandise: 3000 filament tow carbon/graphite yarn

Factory: Livermore, CA

Statement signed: April 11, 1983

Basis of claim: Appearing in

Rate forwarded to Regional Commissioners of Customs: New York and Los Angeles (San Francisco Liquidation), June 22, 1983

Revokes: Unpublished authorization letter dated January 21, 1983

(H) Company: The Lubrizol Corporation

Articles: Intermediate and finished lubricant additives

Merchandise: Ethylene Amine

Factories: Painesville, OH; Deer Park and Pasadena, TX

Statement signed: May 3, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: Chicago, July 6, 1983

(I) Company: MacAndrews & Forbes Company

Articles: Licorice paste; licorice spray dried

Merchandise: Licorice extract (paste or powder)

Factory: Camden, NJ

Statement signed: June 23, 1983

Basis of claim: Appearing in

Rate forwarded to Regional Commissioner of Customs: Boston (Baltimore Liquidation), July 8, 1983

(J) Company: Monsanto Company

Articles: Vanillin Technical; Vanillin Black Liquor; Vanillin U.S.P., otherwise known as Vanillin Monsanto

Merchandise: Caustic Soda (Sodium Hydroxide)

Factory: Seattle, WA

Statement signed: June 28, 1983

Basis of claim: Used in with distribution to the products obtained in accordance with their relative values at the time of separation

Rate forwarded to Regional Commissioners of Customs: Chicago and New York, July 8, 1983

(K) Company: National Casein of New Jersey

Articles: Wood adhesive

Merchandise: Urea formaldehyde resin powder

Factory: Riverton, NJ

Statement signed: March 22, 1983

Basis of claim: Appearing in

Rate forwarded to Regional Commissioner of Customs: Boston (Baltimore Liquidation), June 14, 1983

(L) Company: Occidental Chemical Corp., PVC Resins Div.

Articles: Polyvinyl chloride resin; solution resin; dispersion resin; emulsion resin

Merchandise: Vinyl chloride monomer

Factories: Pottstown, PA; Perryville, MD; Addis, LA; Burlington, NJ

Statement signed: June 22, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: Chicago, July 5, 1983

(M) Company: Oil Air Industries, Inc.

Articles: Accumulator assemblies

Merchandise: Accumulator shells and bag and gas valve assemblies

Factory: Brookshire, TX

Statement signed: April 21, 1982

Basis of claim: Appearing in

Rate forwarded to Regional Commissioner of Customs: Houston, June 17, 1983

(N) Company: Orange-co of Florida, Inc.

Articles: Orange juice from concentrate; frozen concentrated juice and bulk concentrated orange juice

Merchandise: Concentrated orange juice for manufacturing

Factory: Bartow, FL

Statement signed: February 17, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: Miami, June 22, 1983

Revokes: T.D. 79-259-E

(O) Company: Reading Alloys, Inc.

Articles: Master alloy (80% chromium-20% nickel)

Merchandise: Chromium oxide

Factory: Robeson, PA

Statement signed: April 15, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: New York,
June 30, 1983

(P) Company: Rohm and Haas Tennessee, Inc.

Articles: Herbicides

Merchandise: Isophorone

Factory: Knoxville, TN

Statement signed: May 20, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: Boston (Bal-
timore Liquidation), July 7, 1983

(Q) Company: Rohm and Haas Texas, Inc.

Articles: Methacrylate monomers (IBMA) including but not limited
to Isobutyl Methacrylate 10ppm; oil additives (VI Improvers), in-
cluding but not limited to Acryloid 917 and Acryloid 954

Merchandise: Isobutyl Alcohol

Factory: Deer Park, TX

Statement signed: February 19, 1982

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: Boston (Bal-
timore Liquidation), June 14, 1983

Revokes: T.D. 79-213-T

(R) Company: Rohm and Haas Texas, Inc.

Articles: Higher methacrylates; oil additives

Merchandise: Isodecyl Alcohol

Factory: Deer Park, TX

Statement signed: February 19, 1982

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: Boston (Bal-
timore Liquidation), June 14, 1983

Revokes: T.D. 79-213-Q

(S) Company: The Seven-Up Company

Articles: Processed lemon oil #3280

Merchandise: Lemon oil

Factory: St. Louis, MO

Statement signed: April 11, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: Chicago,
June 28, 1983

Revokes: T.D. 83-124-X

(T) Company: Shell Oil Company, Shell Chemical Co., Div.

Articles: Shell Catalyst 418

Merchandise: Silica gel

Factory: Pittsburg, CA

Statement signed: March 15, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: Houston,
June 13, 1983

(U) Company: SmithKline Beckman Corporation, Smith Kline &
French Laboratories Div.

Articles: Antibiotic medicine

Merchandise: Cefazolin Free Acid

Factory: Swedeland, Upper Merion Township, PA

Statement signed: June 3, 1983

Basis of claim: Appearing in

Rate forwarded to Regional Commissioner of Customs: Boston (Bal-
timore Liquidation), June 13, 1983

(V) Company: Southern Gold Citrus Products, Inc.

Articles: Orange juice from concentrate; frozen concentrated
orange juice; bulk concentrated orange juice; (orange) drink base

Merchandise: Concentrated orange juice for manufacturing

Factory: Orlando, FL

Statement signed: February 16, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: Miami, June
24, 1983

Revokes: T.D. 72-55-B as amended by T.D.'s 72-218-B, 75-245-N,
and 76-300-P

(W) Company: Syntex Chemicals, Inc.

Articles: 2-D, L-(6'-methoxy-2'naphthyl) Propionic acid (D,
L-acid); 2-D-(6'-methoxy-2'naphthyl) Propionic acid salt of
1-deoxy-1-(octyl-amino)-D-glucitol (NOG-1)

Merchandise: Beta-naphthol (2-naphthol)

Factories: Boulder, CO; Newport, TN

Statement signed: May 19, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioners of Customs: Miami and
Los Angeles, June 10, 1983

(X) Company: Titanium Industries

Articles: Titanium mill products; titanium fabrication parts and
equipment

Merchandise: Titanium sponge; titanium forms (ingots, billets,
slabs, etc.); titanium alloy forms

Factories: Fairfield, NJ; Frackville, PA

Statement signed: June 10, 1983

Basis of claim: Appearing in

Rate forwarded to Regional Commissioner of Customs: New York,
July 1, 1983

Revokes: T.D.'s 75-164-M and 79-192-V

(Y) Company: Valley Fruit Products, Inc.

Articles: Orange juice from concentrate; frozen concentrated orange juice, bulk concentrated orange juice

Merchandise: Concentrated orange juice for manufacturing

Factories: Factories of agents operating under T.D.'s 55027(2), 55207(1), and 81-181

Statement signed: February 23, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: Miami, June 22, 1983

(Z) Company: Velsicol Chemical Corporation

Articles: Technical Banvel, a herbicide and formulations thereof

Merchandise: Methanol (methyl alcohol)

Factory: Beaumont, TX

Statement signed: March 24, 1983

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: Houston, July 7, 1983

(T.D. 84-3)

Foreign Currencies—Daily Rates for Countries not on Quarterly List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Argentina peso:	
November 1-4, 1983.....	\$0.085837
Chile peso:	
November 1-4, 1983.....	.011765
Colombia peso:	
November 1-3, 1983.....	.011756
November 4, 1983.....	.011715
Greece drachma:	
November 1, 1983.....	.010554
November 2, 1983.....	.010537
November 3, 1983.....	.010551
November 4, 1983.....	.010477
Indonesia rupian:	
November 1-3, 1983.....	.001014

November 4, 1983.....	.001012
Israel shekel:	
November 1, 1983.....	.012002
November 2, 1983.....	.011788
November 3-4, 1983.....	.011641
Peru sol:	
November 1-4, 1983.....	.000474
South Korea won:	
November 1, 1983.....	.001259
November 2, 1983.....	.001258
November 3-4, 1983.....	.001257
Taiwan dollar:	
November 1-3, 1983.....	0.025368
November 4, 1983.....	.025867

(LIQ-03-01 S:C:D)

Dated: November 4, 1983.

ANGELO DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 84-4)

Foreign Currencies—Daily rates for Countries Not on Quarterly List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR Subpart C).

November 8, 1983, holiday, use rates for November 7, 1983.

November 11, 1983, holiday, use rates for November 10, 1983.

Argentina peso:	
November 7, 9-10, 1983.....	\$0.085837
Chile peso:	
November 7 & 9, 1983.....	.011765
November 10, 1983.....	.011696
Colombia peso:	
November 7 & 9, 1983.....	.011715
November 10, 1983.....	.011644

Greece drachma:	
November 7, 1983.....	.010428
November 9, 1983.....	.010444
November 10, 1983.....	.010462
Indonesia rupiah:	
November 7 & 9, 1983001012
Israel shekel:	
November 7 & 9, 1983011496
November 10, 1983.....	.011368
Peru sol:	
November 7, 9 & 10, 1983000474
South Korea won:	
November 7, 1983.....	.001257
November 9, 10, 1983.....	.001255
Taiwan dollar:	
November 7, 9 & 10, 1983.....	0.025867

(LIQ-03-01 S.C.I)

Dated: November 11, 1983.

ANGELA DEGAETANO,
Chief,
Customs Information Exchange.

(T.D. 84-5)

Foreign Currencies—Daily Rates for Countries not on Quarterly List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Argentina peso:	
November 14-18, 1983.....	\$0.085837
Chile peso:	
November 14-18, 1983.....	.011696
Colombia peso:	
November 14-18, 1983.....	.011644
Greece drachma:	
November 14, 1983.....	.010438

November 15, 1983.....	.010384
November 16, 1983.....	.010419
November 17-18, 1983.....	.010341
Indonesia rupiah:	
November 14-18, 1983.....	.001012
Israel shekel:	
November 14-16, 1983.....	.011368
November 17, 1983.....	.011077
November 18, 1983.....	.010988
Peru sol:	
November 14-18, 1983.....	.000474
South Korea won:	
November 14-18, 1983.....	.001255
Taiwan dollar:	
November 14-18, 1983.....	.025867

(L1Q-03-01 S:C:I)

Dated: November 18, 1983.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 84-6)

Foreign Currencies—Daily Rates for Countries not on Quarterly List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

November 24, 1983, holiday, use rates for November 23, 1983.

Argentina peso:	
November 21-23 & 25, 1983	\$0.085837
Chile peso:	
November 21-23 & 25, 19830110601
Colombia peso:	
November 21-23, 1983.....	011569
November 25, 1983.....	.011529

Greece drachma:	
November 21, 1983.....	.010320
November 22, 1983.....	.010331
November 23, 1983.....	.010341
November 25, 1983.....	.010262
Indonesia rupiah:	
November 21-23, 1983.....	.001010
November 25, 1983.....	.001008
Israel shekel:	
November 21, 1983.....	.010934
November 22, 1983.....	.010922
November 23, 1983.....	.010812
November 25, 1983.....	.010669
Peru sol:	
November 21-23 & 25, 1983000462
South Korea won:	
November 21-23 & 25, 1983001255
Taiwan dollar:	
November 21-23 & 25, 1983025867

(LIQ-03-01 S.C.I)

Dated: November 25, 1983.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 84-7)

Foreign Currencies—Daily Rates for Countries not on Quarterly List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Argentina peso:	
November 28-30, 1983.....	\$0.085837
Chile peso:	
November 28-30, 1983.....	.011601
Colombia peso:	
November 28-30, 1983.....	.011529

Greece drachma:	
November 28, 1983.....	.010293
November 29, 1983.....	.010244
November 30, 1983.....	.010304
Indonesia rupiah:	
November 28-30, 1983.....	.001008
Israel shekel:	
November 28-30, 1983.....	.010669
Peru sol:	
November 28-30, 1983.....	.000462
South Korea won:	
November 28, 1983.....	.001255
November 29-30, 1983.....	.001254
Taiwan dollar:	
November 28-30, 1983.....	.025867

(LIQ-03-01 S.C.I)

Dated: November 30, 1983.

ANGELA DEGAETANO,
Chief,
Customs Information Exchange.

(T.D. 84-8)

Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 83-219 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Brazil cruzeiro:	
November 1-4, 1983.....	\$0.001188
Hong Kong dollar:	
November 1, 1983.....	.128098
November 2, 1983.....	.128123
November 3, 1983.....	.128246
November 4, 1983.....	.128172

Philippines peso:	
November 1-4, 1983.....	.071174
Republic of South Africa rand:	
November 1, 1983.....	.85250
November 2, 1983.....	.85000
November 4, 1983.....	.85000

LIQ-03-01 S:C:D

Dated: November 4, 1983.

ANGELA DEGAETANO,
Chief,
Customs Information Exchange.

(T.D. 84-9)

Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to Section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 83-219 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

November 8, 1983, holiday, use rates for November 7, 1983.

November 11, 1983, holiday, use rates for November 10, 1983.

Brazil cruzeiro:	
November 7, 1983.....	\$0.001188
November 9-10, 1983.....	.001168
Hong Kong dollar:	
November 7, 1983.....	.128082
November 9, 1983.....	.127918
November 10, 1983.....	.127877
Philippines peso:	
November 7, 9-10, 1983.....	.071174
Republic of South Africa rand:	
November 7, 1983.....	.85250
November 9, 1983.....	.85200
November 10, 1983.....	.85450

(LIQ-03-01 S:C:D)

Dated: November 11, 1983.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 84-10)

Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 83-219 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Brazil cruzeiro:

November 14, 1983.....	\$0.001168
November 15-18, 1983.....	.001151

Hong Kong dollar:

November 14-15, 1983.....	.127918
November 16, 1983.....	.128000
November 17, 1983.....	.127959
November 18, 1983.....	.127918

Philippines peso:

November 14-18, 1983.....	.071174
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Republic of South Africa rand:

November 14, 1983.....	.85400
November 15-16, 1983.....	.84700
November 17, 1983.....	.83650
November 18, 1983.....	.83800

(LIQ-03-01 S.C.I)

Dated: November 18, 1983.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 84-11)

Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 83-219 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

November 24, 1983, holiday use rates for November 23, 1983.

Brazil cruzeiro:

November 21-22, 1983.....	\$0.001133
November 23 & 25, 1983001111

Hong Kong dollar:

November 21, 1983.....	.127926
November 22, 1983.....	.127918
November 23, 1983.....	.127926
November 25, 1983.....	.127959

Mexico peso:

November 23, 1983.....	.006024
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Philippines peso:

November 21-23 & 25, 1983071174
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Republic of South Africa rand:

November 21, 1983.....	.82680
November 22, 1983.....	.83000
November 23, 1983.....	.82800
November 25, 1983.....	.82150

(LIQ-03-01 S:C:I)

Dated: November 25, 1983.

ANGELA DEGAETANO,

Chief,

Customs Information Exchange.

(T.D. 84-12)

Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 83-219 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Brazil cruzeiro:

November 28-29, 1983.....	\$0.001111
November 30, 1983.....	.001094

Hong Kong dollar:

November 28, 1983.....	.128074
November 29, 1983.....	.128041
November 30, 1983.....	.128066

Philippines peso:

November 28-30, 1983.....	.071174
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Republic of South Africa rand:

November 28, 1983.....	.83200
November 29, 1983.....	.83000
November 30, 1983.....	.83900

(LIQ-03-01 S:C:I)

Dated: November 30, 1983.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

U.S. Customs Service

Proposed Rulemaking

19 CFR Part 24

Proposed Customs Regulations Amendments Relating to Administrative Overhead Charges

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to provide for the inclusion of an administrative overhead charge of 15 percent of the identified costs of providing for reimbursable and overtime services, and various other services, performed by Customs officers. This charge would be collected from parties-in-interest who are required to reimburse Customs for compensation and/or expenses of Customs officers performing the reimbursable and overtime services, and other services for the benefit of such parties, unless the imposition of such charge is precluded by law.

The purpose of this proposal is to enable Customs to recover an important cost element that is not currently factored into the assessment of these charges.

DATE: Comments must be received on or before February 21, 1974.

ADDRESS: Written comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Jim Kenny, Accounting Division (202-566-2021); U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Various statutes provide Customs with the administrative authority to charge fees to recover the costs of a particular service rendered. For example, 19 U.S.C. 58a provides that the Secretary of the Treasury may charge such fees as may be necessary to recover

the costs of providing certain vessel services. The fees are to be consistent with the User Charges Statute (31 U.S.C. 9701). Section 4.98(a), Customs Regulations (19 CFR 4.98(a)), sets forth the specific services and bases for calculating each flat fee. Similarly, Customs charges and bills parties-in-interest for reimbursement in connection with services rendered by Customs officers or employees during regular hours (see section 24.17, Customs Regulations (19 CFR 24.17)), or on Customs overtime assignments under 19 U.S.C. 267 or 1451 (see section 24.16, Customs Regulations (19 CFR 24.16)). The bill covers full compensation and/or travel and subsistence of the Customs officer performing the Service. However, except for a 10 percent administrative overhead charge applicable to the annual fee required of each warehouse proprietor granted the right to operate a warehouse facility under section 19.5, Customs Regulations (19 CFR 19.5), and preclearance of air travelers and their baggage under section 24.18, Customs Regulations (19 CFR 24.18), there is no administrative overhead charge factored into the cost of providing a particular service.

The "User Charges Statute" provides that each service or thing of value provided by an agency to a person is to be self-sustaining to the extent possible. The head of an agency may prescribe regulations establishing the charge for a service or thing of value provided by the agency. Regulations so prescribed are subject to policies prescribed by the President and shall be as uniform as practicable. Each charge shall be fair and based on the costs to the Government, the value of the service or thing to the recipient, public policy or interest served, and other relevant facts. The statute does not affect a law prohibiting the determination and collection of charges and the disposition of those charges, and prescribing bases for determining charges, but a charge may be redetermined under the statute consistent with the prescribed bases.

In a report dated March 10, 1975, "Services For Special Beneficiaries: Costs Not Being Recovered," the General Accounting Office stated that the User Charges Statute authorizes Customs to include administrative overhead in the billings of parties-in-interest for all reimbursable services performed during normal, and outside normal, working hours. The Office of Management and Budget has stated that in the absence of a formal accounting system for determining administrative overhead, no new cost accounting system should be established solely to determine this cost. The cost should be determined or estimated from the best available records of the agency. In the absence of a formal accounting system for determining the cost of the charge for administrative overhead, it was recommended that Department of the Treasury bureaus use the figure of 15 percent of the identified costs of providing the service.

Customs has no formal accounting system for determining the cost of the charge for administrative overhead for reimbursable

and overtime service. Therefore, the figure of 15 percent of the identified costs of providing the service is applicable.

In a decision of the Comptroller General on the matter of user charges for administrative costs of special and overtime Customs services (55 Comp. Gen. 456, November 13, 1975), the Comptroller held that Customs generally has authority to impose user charges under the User Charges Statute for administrative overhead from parties-in-interest for reimbursable and overtime services provided by Customs in addition to amounts payable for compensation and expenses of Customs officers. The proviso in the User Charges Statute that nothing contained therein was to be deemed to repeal or modify existing statutes fixing the amount of any such fee, charge or price (language of statute prior to recodification of Title 31 by Pub. L. 97-258, September 13, 1982), was deemed by the Comptroller General to preclude the imposition of additional user charges under the User Charges Statute only to the extent that another statute expressly or by clear design constituted the only source of assessments for a service.

Accordingly, Customs proposes to amend Part 24, Customs Regulations (19 CFR Part 24), "Customs Financial and Accounting Procedure," by adding a new section 24.21 entitled "Administrative overhead charges" to provide for inclusion of an administrative overhead charge of 15 percent of the identified costs of providing for reimbursable and overtime services performed by Customs officers under sections 24.17 and 24.16, Customs Regulations, respectively. This charge would be collected from parties-in-interest who are required to reimburse Customs for compensation and/or expenses of Customs officers performing the reimbursable and overtime services for the benefit of such parties, unless the imposition of such charge is precluded by law.

New section 24.21 also would provide for the inclusion of an administrative overhead charge of 15 percent of the identified costs of providing for various user-type services performed by Customs officers to parties-in-interest, unless the imposition of such charge is precluded by law such as administrative overhead costs associated with any inspection service required at airports of entry as a result of the operation of aircraft pursuant to Pub. L. 94-353, the Airport and Airway Development Act Amendments of 1976 (49 U.S.C. 1741 (e)). These fees, whether billed or not, include, but are not limited to:

1. Section 4.98—Navigation fees for vessel services;
2. Section 19.5—Annual fee to operate, and fees to establish, alter, or relocate a warehouse facility; (An administrative overhead charge of 10 percent is currently assessed for the annual fee to operate a warehouse facility. Therefore, there would be only a 5 percent increase to that charge);
3. Section 19.40—Fee to establish container stations;

4. Section 24.12(a)(3)—Fee for furnishing the names and addresses of importers of merchandise appearing to infringe a registered patent;

5. Section 24.12(c)—Charge for storing merchandise in a Government-owned or rented building;

6. Section 24.13(f)—Charge for the sale of in-bond and in-transit seals;

7. Section 24.14(b)—Charge for the sale of Customs forms;

8. Section 24.18—Charge for preclearing aircraft in a foreign country; (An administrative overhead charge of 10 percent is currently assessed. Therefore, there would be only a 5 percent increase to that charge);

9. Section 111.12(a)(2)—Fee for issuing a customhouse broker's license;

10. Section 112.12(a)—Fee for designating a carrier or freight forwarder as a carrier of Customs bonded merchandise;

11. Section 112.22(a)(2)—Fee for issuing a Customs bonded cartman's license;

12. Section 133.3—Fee for recording of trademarks;

13. Sections 133.5(d), 133.6(b), 133.7(a)(3)—Fee for renewing, or recording a change in name of owner, or of ownership of, a trademark;

14. Section 133.13(b)—Fee for recording of trade name;

15. Section 133.33(b)—Fee for recording a copyright; and

16. Sections 133.35(b)(2), 133.36(b), 133.37(a)(3)—Fee for renewing, or recording a change in name of owner, or of ownership of, a copyright.

Customs would not assess an administrative overhead charge of 15 percent for (1) traveling in a Government-owned vehicle on official travel at the request of a private party, or (2) carting merchandise in a Government-owned vehicle because fees relating to these areas are regulated by the Federal Property Management Regulations (see 41 CFR Part 101-7, Federal Travel Regulations).

The administrative overhead charge of 15 percent will result in the recovery of costs associated with the operation and depreciation of buildings and equipment, rent, postage, maintenance, and expenses associated with Customs management and supervision.

AUTHORITY

R.S. 251, as amended (19 U.S.C. 66); sec. 1, 34 Stat. 260 (15 U.S.C. 294); sec. 5, 36 Stat. 901, as amended (19 U.S.C. 267); sec. 1, 37 Stat. 434 (19 U.S.C. 1); sec. 304, 46 Stat. 687, as amended (19 U.S.C. 1304); sec. 447, 46 Stat. 714, as amended (19 U.S.C. 1447); sec. 451, 46 Stat. 715, as amended (19 U.S.C. 1451); sec. 456, 46 Stat. 716 (19 U.S.C. 1456); sec. 457, 46 Stat. 716, as amended (19 U.S.C. 1457); sec. 458, 46 Stat. 717 (19 U.S.C. 1458); sec. 499, 46 Stat. 728, as amended (19 U.S.C. 1499); sec. 506, 46 Stat. 732, as amended (19 U.S.C. 1506); sec. 551, 46 Stat. 742, as amended (19 U.S.C. 1551); sec. 553, 46 Stat. 742,

as amended (19 U.S.C. 1553); sec. 555, 46 Stat. 743, as amended (19 U.S.C. 1555); sec. 557, 46 Stat. 744, as amended (19 U.S.C. 1557(c)); sec. 562, 46 Stat. 745, as amended (19 U.S.C. 1562), sec. 565, 46 Stat. 747, as amended (19 U.S.C. 1565); sec. 624, 46 Stat. 759 (19 U.S.C. 1624); sec. 641, 46 Stat. 759, as amended (19 U.S.C. 1641); sec. 2, 54 Stat. 1128 (15 U.S.C. 68); sec. 42, 60 Stat. 440 (15 U.S.C. 1124); sec. 1, 62 Stat. 652, as amended (17 U.S.C. 101); sec. 4, 65 Stat. 177 (15 U.S.C. 69b); sec. 2, 72 Stat. 1717 (15 U.S.C. 70); 80 Stat. 379 (5 U.S.C. 301); sec. 214, 92 Stat. 904 (19 U.S.C. 58a); 97 Stat. 1051 (31 U.S.C. 9701).

COMMENTS

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with section 103.11(b), Customs Regulations (19 CFR 103.11(b)), during regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

EXECUTIVE ORDER 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

REGULATORY FLEXIBILITY ACT

Pursuant to the provisions of section 3, Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*), it is hereby certified that the proposed regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. The economic impact is concentrated on large operators, and the costs to small businesses are spread over many transactions. Thus, the impact is likely to be slight. Accordingly, the proposed regulations are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

DRAFTING INFORMATION

The principal author of this document was Charles D. Ressin, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

LIST OF SUBJECTS IN 19 CFR PART 24

Customs duties and inspection, Imports, Accounting.

PROPOSED AMENDMENT

It is proposed to amend Part 24, Customs Regulations (19 CFR Part 24), by adding a new section 24.21 entitled "Administrative overhead charges" in the table of contents, and the regulations to read as follows:

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

24.21 Administrative overhead charges.

(a) *Reimbursable and overtime services.* An additional charge for administrative overhead costs shall be collected from parties-in-interest who are required to reimburse Customs for compensation and/or expenses of Customs officers performing reimbursable and overtime services for the benefit of such parties under sections 24.17 and 24.16, respectively, of this part. The cost of the charge for administrative overhead shall be 15 percent of the compensation and/or expenses of the Customs officers performing the service.

(b) *Other services.* An additional charge for administrative overhead costs shall be collected from parties-in-interest who are required to reimburse Customs for compensation and/or expenses of Customs officers performing various services for the benefit of such parties. The cost of the charge for administrative overhead shall be 15 percent of the compensation and/or expenses of the Customs officers performing the service. The fees, whether billed or not, include, but are not limited to:

1. Navigation fees for vessel services in section 4.98;
2. Annual fee to operate, and fees to establish, alter, or relocate a warehouse facility in section 19.5;
3. Fee to establish container stations in section 19.40;
4. Fee for furnishing the names and addresses of importers of merchandise appearing to infringe a registered patent in section 24.12(a)(3);
5. Charge for storing merchandise in a Government-owned or rented building in section 24.12(c);
6. Charge for the sale of in-bond and in-transit seals in section 24.13(f).
7. Charge for the sale of Customs forms in section 24.14(b);
8. Charge for preclearing aircraft in a foreign country in section 24.18;
9. Fee for issuing a customhouse broker's license in section 111.12(a)(2);
10. Fee for designating a carrier or freight forwarder as a carrier of Customs bonded merchandise in section 112.12(a);
11. Fee for issuing a Customs bonded cartman's license in section 112.22(a)(2);
12. Fee for recording of trademarks in section 133.3;
13. Fee for renewing, or recording a change in name of owner, or of ownership of, trademark in sections 133.5(d), 133.6(b), 133.7(a)(3);

14. Fee for recording of trade name in section 133.13(b);
15. Fee for recording a copyright in section 133.33(b); and
16. Fee for renewing, or recording a change in name of owner, or of ownership of, a copyright in sections 133.35(b)(2), 133.36(b), 133.37(a)(3);

(c) *No administrative overhead charge.* No additional charge for administrative overhead costs discussed in paragraphs (a) and (b) of this section shall be collected if (1) imposition of such charge is precluded by law; (2) there is a formal accounting system for determining administrative overhead for a service, in which case that system shall be used for determining the cost of the charge for administrative overhead; or (3) the charge for administrative overhead for a service is specifically provided for elsewhere in this chapter.

ALFRED R. DE ANGELUS,
Acting Commissioner of Customs.

Approved: November 30, 1983.

JOHN M. WALKER, Jr.,
Assistant Secretary of the Treasury.

[Published in the Federal Register, December 21, 1983 (48 FR 56399)]

19 CFR Part 142

Proposed Customs Regulations Amendments Relating to Acceptance of Formal Entries With Unsecured Bonds for Certain Importations

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes amendments to the Customs Regulations relating to acceptance of formal entries with unsecured bonds for certain importations. The proposal would give district directors authority to waive the necessity of having surety or cash deposit on formal entry bonds for commercial importations valued over \$250 but not over \$1,000. This waiver could only be granted if the importer has not been delinquent or otherwise remiss in any transaction with Customs. Further, the waiver would not apply to (1) quota merchandise, (2) any type of merchandise which cannot be easily appraised or classified, or (3) any type of merchandise where there may be, based on past experience, a question of redelivery. Customs does not believe the minimal risk to the revenue justifies the increased cost to the importing community for a surety on a bond covering merchandise valued at not more than \$1,000.

DATE: Comments must be received on or before February 21, 1984.

ADDRESS: Written comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Herbert Geller, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5307).

SUPPLEMENTARY INFORMATION:

BACKGROUND

Pub. L. 83-243 (67 Stat. 517) requires that all commercial imports valued over \$250 be covered by a formal entry. Section 142.4, Customs Regulations (19 CFR 142.4), provides that, with certain exceptions, merchandise shall not be released from Customs custody at the time Customs receives the entry documentation or the entry summary documentation which serves as both the entry and the entry summary unless covered by a bond executed by an approved corporate surety or secured by cash deposits or obligations of the United States.

While the imposition of bonding and surety requirements is necessary both in terms of import control and revenue protection for large commercial shipments, Customs believes that the same rationale does not apply to small shipments (i.e., those valued not more than \$1,000).

Inflation has devalued the dollar greatly since the \$250 formal entry valuation limit was imposed in 1953. If the limit had been adjusted for price changes, it would have been \$1,144 in September 1982 based on the International Monetary Fund's unit value index of U.S. general imports. Accordingly, if the requirement for a bond with approved surety were to be applied only to entries valued over \$1,000, the actual risk to the Government would not be any greater, relatively speaking, than under the \$250 formal entry limit of 1953.

Since February 4, 1980, the Chicago Customs Region has been conducting a pilot program of accepting formal entries valued not more than \$1,000 without surety on the required bond. The program has been running smoothly with no incidents requiring redelivery of merchandise or the imposition of a penalty.

For the foregoing reasons, Customs believes that there is no justification in terms of cost benefit or public service to support the continued imposition of the bonding requirement for entries valued not more than \$1,000. Instead, Customs proposes in this document that its regulations be amended to eliminate the necessity of providing bonds supported by surety or cash deposit on small value shipments which, by law, require a formal entry.

Under the proposal, section 142.4, Customs Regulations, would be amended to permit the release of merchandise valued not more

than \$1,000 with an unsecured bond. The proposal would give district directors authority to waive the necessity of having surety or cash deposit on formal entry bonds for commercial importations valued over \$250 but not more than \$1,000. This waiver could only be granted if the importer has not been delinquent or otherwise remiss in any transaction with Customs. Further, the waiver would not apply to (1) quota merchandise, (2) any type of merchandise which cannot be easily appraised or classified, or (3) any type of merchandise where there may be, based on past experience, a question of redelivery.

EXECUTIVE ORDER 12291

This document will not result in a regulation which is a "major rule" as defined by section 1(b) of Executive Order 12291.

REGULATORY FLEXIBILITY ACT

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to these amendments because, it is believed, the rule will not have a significant economic impact on a substantial number of small entities. While there will be an economic impact, it is not believed to be significant. An adverse economic impact will be felt by sureties and customhouse brokers due to the loss of broker's surety backed bonding fees on several hundred thousand affected entries. However, the elimination of the bonding fees on applicable entries will be beneficial to the importing public and especially "small entities", in the importing public by eliminating cost burden for importers on affected entries valued between \$250 and \$1,000. However, public comment is requested on the effects, with numerical estimates, of the proposed amendments on costs, profitability, competitiveness, and employment in small entities. Subsequent to the receipt of public comments, it will be decided whether the preparation of a final regulatory flexibility analysis is warranted.

In light of the above, it is certified under the provisions of section 3, Regulatory Flexibility Act (5 U.S.C. 605(b)) that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

COMMENTS

Before adopting this proposal, consideration will be given to any written comments (preferably in triplicate) that are submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with section 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between 9:00 a.m. and 4:30 p.m. at the Regulations Con-

trol Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

AUTHORITY

This document is issued under the authority of R.S. 251, as amended, sections 623, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624).

DRAFTING INFORMATION

The principal author of this document was John E. Elkins, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

LIST OF SUBJECTS

19 CFR Part 142

Customs duties and inspection, imports.

PROPOSED AMENDMENTS TO THE REGULATIONS

It is proposed to amend Part 142, Customs Regulations (19 CFR Part 142), as set forth below.

PART 142—ENTRY PROCESS

1. It is proposed to amend the first sentence of section 142.4(a) by inserting the words "and paragraph (c) of this section" after the words "Except as provided in section 10.101(d) of this chapter".

2. It is proposed to add a new paragraph (c) to section 142.4 to read as follows:

§ 142.4 Bond requirements.

* * * * *

(c) *Waiver of surety or cash deposit.* The district director may waive the requirement for surety or cash deposit for any bond required by this section when the value of the merchandise which the bond secures does not exceed \$1,000 and the importer has not been delinquent or otherwise remiss in any transaction with Customs. This waiver authority is not applicable to (1) quota merchandise, (2) any type of merchandise which in the opinion of the district director cannot be easily appraised or classified, or (3) any type of merchandise where there may be, in the opinion of the district director based on past experience, a question of redelivery.

WILLIAM VON RAAB,
Commissioner of Customs.

Approved: November 30, 1983.

JOHN M. WALKER, Jr.,
Assistant Secretary of the Treasury.

[Published in the Federal Register, December 21, 1983 (48 FR 56401)]

E R R A T U M

In CUSTOMS BULLETIN, Volume 17, No. 33, dated August 17, 1983, page 26-27 T.D. 83-167, the rate of exchange for the Australian dollar was incorrect. The correct rate is .86450.

UNITED STATES COURT OF INTERNATIONAL TRADE

ANNOUNCEMENT

Chief Judge Edward D. Re has announced the call of the First Judicial Conference of the United States Court of International Trade. The Conference will be held on Wednesday, February 15, 1984, in The Ballroom, at Windows on the World, 106th Floor, One World Trade Center, New York, New York and will commence at 9 a.m.

Chief Judge Howard T. Markey of the United States Court of Appeals for the Federal Circuit is the Conference Luncheon Speaker.

The Conference will be composed of the Judges of the United States Court of International Trade, officials from the International Trade Commission, the Customs Service, the Departments of Justice, Commerce, and Treasury, members of the Bar of the Court, and other distinguished guests. The theme of the Conference is "The Customs Courts Act of 1980—Three Years Later".

Lawyers and other interested persons are invited to attend. Since capacity is limited, early return of your registration form is suggested. To facilitate final arrangements, it would be appreciated if your registration form is received on or before Friday, January 20, 1984.

For further information, please write to:

"USCIT, Judicial Conference"

c/o Office of the Clerk

United States Court of International Trade

One Federal Plaza

New York, New York 10007

For the Court,

JOSEPH E. LOMBARDI,
Clerk of Court.

United States Court of International Trade

One Federal Plaza

New York, N.Y. 10007

Chief Judge

Edward D. Re

Judges

Paul P. Rao
Morgan Ford
Frederick Landis
James L. Watson

Bernard Newman
Nils A. Boe
Gregory W. Carman

Senior Judges

Herbert N. Maletz

Samuel M. Rosenstein

Clerk

Joseph E. Lombardi

Decisions of the United States Court of International Trade

(Slip Op. 83-129)

PAGODA TRADING CO., PLAINTIFF, *v.* UNITED STATES, DEFENDANT

Court No. 83-11-01682

Before: WATSON, *Judge.*

MEMORANDUM OPINION AND ORDER ON MOTIONS FOR EXPEDITED HEARING

[Motion Granted in Part.]

(Decided December 8, 1983)

J. Paul McGrath, Assistant Attorney General, *Joseph I. Liebman*, Attorney in Charge, International Trade Field Office (*John J. Mahon*, Department of Justice) for defendant.

Rode & Qualey (*Michael S. O'Rourke*, of counsel) for plaintiff.

WATSON, Judge: Plaintiff started this action for declaratory judgment under 28 U.S.C. § 1581(h)¹ on November 23, 1983. Two days later it filed a motion for declaratory judgment and requested a hearing on December 7, 1983. On November 28th the government moved to strike the motions for declaratory judgment and expedited hearing. On November 29, 1983, the Footwear Group of the American Association of Exporters and Importers (the Footwear Group) filed a motion for leave to appear as *amicus curiae*. On December 2, plaintiff filed an opposition to defendant's motion to strike, moved to have the expedited hearing held on or before December 16th, and further moved to compel defendant to answer the complaint on or before December 14, 1983. On December 7th, plaintiff supplemented its motion for an expedited hearing with an affidavit from one of plaintiff's principals.

The most important point is that plaintiff is alleging irreparable injury from a ruling which affects footwear it wants to import into the United States. It further alleges the necessity of a speedy hearing. It has supported these allegations with a detailed affidavit from one of its principals. In this matter, the first step is to determine the necessity for an expedited hearing. On this question the government will be allowed until December 14, to raise any substantive objections it may have to jurisdiction or to expedited hearing of the merits and the Court will hold a hearing on jurisdiction and the need for expedited treatment on that date. If, after that hearing, the Court finds that an expedited hearing on the merits is required, it will accelerate the time to answer and arrange for such further briefing or hearing as may be necessary.

For the moment, defendant's motion to strike is DENIED without prejudice. Plaintiff's motion for a hearing on or before December 16, 1983, is GRANTED to the extent that a hearing on the need

¹ Subsection (h) of section 1581 provides:

The Court of International Trade shall have exclusive jurisdiction of any civil action commenced to review, prior to the importation of the goods involved, a ruling issued by the Secretary of the Treasury, or a refusal to issue or change such a ruling, relating to classification, valuation, rate of duty, marking, restricted merchandise, entry requirements, draw-backs, vessel repairs, or similar matters, but only if the party commencing the civil action demonstrates to the court that he would be irreparably harmed unless given an opportunity to obtain judicial review prior to such importation.

It should be noted that Subsection (h) must be read in conjunction with 28 U.S.C. § 2643(4) which reads as follows:

In any civil action described in section 1581(h) of this title, the Court of International Trade may only order the appropriate declaratory relief.

for expedited disposition of the action and possible jurisdictional objections will be held on December 14, 1983.

Plaintiff's motion to compel an answer on or before December 14, 1983, is DENIED.

(Slip Op. 83-130)

ROQUETTE FRERES AND ROQUETTE CORPORATION, PLAINTIFFS, v. THE
UNITED STATES, DEFENDANT, PFIZER INC., INTERVENOR

Court No. 82-5-00636

Before BOE, Judge.

Order

(Dated December 9, 1983)

Wald, Harkrader & Ross (Joel E. Hoffman and Marilyn E. Kerst, of counsel) for the plaintiffs.

J. Paul McGrath, Assistant Attorney General (*David M. Cohen*, Director Commercial Litigation Branch and *A. David Lafer*) for the defendant.

Barnes, Richardson & Colburn (*E. Thomas Honey*, *Michael A. Johnson*, of counsel) for the intervenor.

Rivkin, Sherman & Levy (*Saul L. Sherman*, *Thomas A. Greene*, and *Lance E. Tunick*) attorneys for ICI Americas Inc., *amicus curiae*.

Plaintiffs Roquette Freres and Roquette Corporation and intervenor Pfizer Inc. move for access to all confidential documents filed by the International Trade Commission (ITC) with this court on November 23, 1983 as a part of administrative record in *Sorbitol from France*, USITC Investigation No. 731-TA-44 (Final—Court Remand).

In its prior memorandum and order under date of December 13, 1982, this court set forth the standards by which competing interests should be balanced in determining the access of parties to the confidential documents submitted during the course of administrative proceedings. This court, after reviewing its prior order under date of December 13, 1982 and after considering the determination of the ITC or remand, concludes that the provisions of that order should not be modified or altered as they relate to the confidential documents referred to therein.

With respect to the confidential documents filed with this court by the ITC as a part of the administrative record in connection with its determination in said proceedings on remand, the court has endeavored to continue to balance the needs of the parties seeking the confidential information against the public interest in protecting confidential business data. In so doing, the court adheres to the determination made in its prior order, namely, "The industry-wide aggregate data, and not the individual producer statistics, form the basis of the administrative determinations and therefore are material to the plaintiffs' challenge to the finding of dumping

against plaintiffs and the finding of *material injury* to 'an industry in the United States'" (emphasis added).

Accordingly, the court is satisfied that aggregate tables and weighted averages with respect to domestic production of all forms of sorbitol contained in the statistical tables utilized by the ITC should be made available as material information. Statistical data of the individual domestic producers of sorbitol are neither relevant nor material to the administrative determination as made by the ITC.

Now therefore, upon reading and filing the motions of the plaintiffs and intervenor for access to all confidential documents, the responses of the plaintiffs, defendant, and amicus curiae thereto, it is hereby ORDERED

A. Plaintiffs' and intervenor's motions for access to confidential information and documents contained in the administrative record on remand transmitted to the court by International Trade Commission are granted to the following extent and denied in all other respects:

1. Within 10 days from the date of entry of this order, the clerk of this court shall make available to plaintiffs' and intervenor's outside counsel, at the offices of the clerk, for purposes of examining and copying the following confidential documents enumerated in List Number 2, "Confidential Documents Transmitted to the Court of International Trade," subject to the exceptions, terms and conditions specified below:

a. Documents 1-5, 7-14, and 16 shall be made available in full to plaintiffs and intervenor.

b. Documents 6, 15 and 18 shall be made available. However, in the statistical tables referred to on the following pages, the names of the respective domestic producers and the data relating specifically to each shall be deleted. Only the aggregate totals and weighted averages of the domestic production of all forms of sorbitol contained in such statistical tables shall be made available:

(1) Document 6: pages A-18, table 2; A-20, table 3; A-22, table 4; A-23, table 4; A-25, table 5; A-30, table 8; A-32, table 9; A-33, table 10; A-34, table 11; A-35, table 12; A-36, table 13; A-42, table 16; A-45, table 18;

(2) Document 15: pages A-18, table 2; A-19, table 2; A-21, table 3; A-23, table 4; A-24, table 4; A-25, table 4; A-26, table 4; A-28, table 5; A-30, table 6; A-31, table 6; A-34, table 8; A-35, table 8; A-36, table 9; A-37, table 9; A-43, table 10; A-45, table 11; A-47, table 12; A-49, table 13; A-54, table 16; A-57, table 18;

(3) Document 18: pages A-18, table 2; A-19, table 2; A-21, table 3; A-23, table 4; A-24, table 4; A-25, table 4; A-27, table 5; A-29, table 6; A-30, table 6; A-33, table 8; A-34, table 8; A-

35, table 9; A-36, table 9; A-42, table 10; A-44, table 11; A-46, table 12; A-48, table 13; A-53, table 16; A-56, table 18;

c. Document 17:

(1) Subparts 17.02, 17.04, "B" and "C" shall be made available in full.

(2) Subparts 17.01 and the questionnaire component of 17.03 shall be protected from disclosure to plaintiffs and intervenor. The "10-K" Report component of subpart 17.03 shall be made available in full.

(3) Subpart "A"

(a) worksheets re: imports questionnaires consisting of 20 11-inch long pages, the first of which is entitled "1978: Imports from France," shall be made available in full.

(b) worksheets re: producers' questionnaires consisting of nine 14-inch long sheets entitled "Shipments" shall be made available. However, in the statistical tables referred to on the following pages, the names of the respective domestic producers and the date relating specifically to each shall be deleted (including the figures included in footnote 1 to the "capacity" table on page 6). Only the aggregate totals of the domestic production for each year of all forms of sorbitol contained in such statistical tables shall be made available.

B. Except as otherwise provided in this order, counsel for plaintiffs and intervenor shall not disclose the confidential information to anyone other than their immediate office personnel actively assisting in this litigation.

C. Counsel for plaintiffs and intervenor and their immediate office personnel shall neither disclose nor use any of the confidential information for purposes other than this litigation or any remand or appeal of this matter.

D. If, in the opinion of plaintiffs' and/or intervenor's counsel, it becomes necessary to consult with experts in evaluating the confidential information, counsel will not contact such experts without first notifying, and conferring with, counsel for defendant regarding the suitability of such experts. If the respective parties cannot agree upon a suitable expert within ten (10) days of notification to defendant's counsel, plaintiffs' or intervenor's counsel may submit the matter to the court for resolution.

E. In on event shall disclosure of confidential information be made to in-house counsel or other representatives, agents or employees of the plaintiffs and of the intervenor, or of their constituent members.

F. Counsel for plaintiffs and intervenor shall maintain a record of any and all copies of confidential information made, the names of the persons to whom such copies were provided and the dates of their return. All such copies shall be clearly marked as containing confidential information and all persons receiving copies shall be directed to return them at the conclusion of this litigation.

G. Any documents, including briefs and memoranda, containing any of the confidential information in this order, which are filed with the court in this case or used for any other purposes, shall be conspicuously marked as follows: " 'Confidential'—Subject to Protective Order. This contains material filed by (*name of party*) for the purpose of this litigation only. It is not to be opened other than by the Court, nor are the contents hereof to be displayed or revealed other than to the Court, except by Court Order or by agreement of the parties." Arrangements shall be made with the clerk of this court to retain such documents under seal, permitting access only to the court, court personnel authorized by the court to have access, and counsel for the parties. Copies of all the foregoing documents, but with the confidential information deleted, shall be filed with the court at the same time that the documents containing the confidential information are filed and shall be conspicuously marked as non-confidential copies.

H. Any briefs or memoranda containing confidential information shall be served on the other parties in a wrapper conspicuously marked on the front "Confidential—to be opened only by attorney of parties in '*Roquette Freres and Roquette Corporation v. United States and Pfizer, Inc.*,'" and shall be accompanied by a separate copy from which the confidential information has been deleted.

I. At the conclusion of this litigation and any appeal or remand of this matter, counsel for plaintiffs and intervenor shall return to the clerk of this court all copies of the confidential documents obtained under this order and the record required to be maintained under subparagraph F hereof.

J. Any reference to plaintiffs' or intervenor's counsel herein shall include counsel for any other interested party that may subsequently be granted access to such documents under protective order.

Decisions of Court of Int

Abstracted

The following abstracts of decisions of the Un
published for the information and guidance of of
decisions are not of sufficient general interest to p
Customs officials in easily locating cases and tracin

of the United States International Trade

Abstracts of Protest Decisions

DEPARTMENT OF THE TREASURY, December 15, 1983.

The United States Court of International Trade at New York are
of officers of the Customs and others concerned. Although the
to print in full, the summary here given will be of assistance to
facing important facts.

WILLIAM VON RAAB,
Commissioner of Customs.

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED
				Item No. and Rate
P83/405	Ford, J. December 8, 1983	Astra Trading Corp.	81-8-01092	Item 389.62 15% + 25¢ per lb.
P83/406	Boe, J. December 8, 1983	Interpur—Div. of Dart In- dustries, Inc.	81-10-01445	Electronic watches classified under item 715.05 at various rates
P83/407	Boe, J. December 8, 1983	Wilcox International Corp.	81-11-01592	Item 720.16 69¢ each + 14.8%
P83/408	Maletz, S.J. December 8, 1983	Pharmacia Inc.	77-8-01692	Item 799.00 5% (merchandise listed on schedule "B")
P83/409	Maletz, S.J. December 8, 1983	Pharmacia Inc.	80-7-01180	Item 799.00 5%

CASE and Rate	HELD	BASIS	PORT OF ENTRY AND MERCHANDISE
	Item No. and Rate		
2 25¢	Item 706.24 20%	J. E. Mamiye & Sons, Inc. v. U.S. (C.D. 4878)	New York Ladies' tote bags
watches under 05 at ates	Item 688.36 5.3% or 5.1% with allowance for U.S. components under item 807.00 (merchandise marked "A") Item 688.43 5.3% or 5.1% (merchandise marked "B")	Texas Instruments, Inc., v. U.S. C.A.D. 1244 and U.S. v. Texas Instruments, Inc. No. 81-23, 3/25/82 (merchandise marked "A") U.S. v. Texas Instruments, Inc. No. 81-23, 3/25/82 (merchandise marked "B")	New York Electronic watches and watch parts
	Item 685.24 9.9%	Texas Instruments, Inc. v. U.S. 1 CIT 236 (1981) aff'd U.S. v. Texas Instruments, Inc. No. 81-23, 3/25/82	New York Solid state clock module in- corporated in a clock radio
disse "B")	Item 437.76 Free of duty (merchandise listed on schedule "B")	Agreed statement of facts	New York Diagnostic kits and compo- nents of diagnostic kits
	Item 437.76 Free of duty	Agreed statement of facts	New York Diagnostic kits and compo- nents of diagnostic kits

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DEPARTMENT OF THE TREASURY
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WASHINGTON, D.C. 20229

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